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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee
on the Rights of the Child: Peru

1. The Committee considered the initial report of Peru (CRC/C/3/Add.7) at its 82nd, 83rd and 84th meetings (CRC/C/SR.82 to 84), held on 23 and 24 September 1993, and adopted* the following concluding observations:

Introduction

2. The Committee notes with appreciation the timely submission of the initial report of Peru, which was one of the first States to become a party to the Convention on the Rights of the Child. The Committee regrets, however, that the information provided in the report was in many respects vague and incomplete and did not follow the Committee's guidelines. Furthermore, the lack of information in the report on factors and difficulties impeding the implementation of the various rights recognized by the Convention prevented the Committee from gaining a clear idea of the real situation of children's rights in the country.

3. However, the dialogue with the State party's delegation enabled the Committee to understand better the situation of children in the country. The Committee therefore expresses its appreciation to the State party's delegation for the valuable information supplementing the report.

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* At the 103rd meeting, held on 8 October 1993.

Positive aspects

4. The Committee notes with satisfaction the considerable progress achieved during the period under review in bringing domestic law into line with the Convention, through the enactment of new laws and codes and the establishment and strengthening of institutions and processes aimed at promoting and protecting the rights of the child. Among these legislative achievements are the adoption of a Code on Children and Adolescents and the approval of a National Plan of Action for Children. The establishment of the "Defensoría del Niño" and the possibility for individuals to invoke the provisions of the Convention before Peruvian courts are other welcome developments. The Committee also notes with interest the decision taken by the Peruvian Government to establish a National Week for the Rights of the Child as well as National Monitoring Committees on the Rights of the Child. These measures have a positive impact on the promotion of popular participation in the realization of the rights of the child.

Factors and difficulties impeding the implementation of the Convention

5. The Committee notes that political violence and terrorism have had a considerable negative impact on the situation of children in Peru. Many children have been subjected to various forms of violations and have been obliged to flee areas affected by such violence.

6. The Committee further notes that economic factors, including a high level of external debt, have adversely affected the situation of children.

Principal subjects of concern

7. The Committee expresses its deep concern at the continued violence which has already caused thousands of killings, disappearances and displacements of children and parents. It is therefore necessary that the Peruvian Government and Peruvian society adopt an urgent, effective and fair response to protect the rights of the child.

8. The Committee is concerned that, due to the internal violence, several registration centres have been destroyed, adversely affecting the situation of thousands of children who are, often left without any identity document, thus running the risk of their being suspected of involvement in terrorist activities.

9. The Committee deplores that, under Decree-Law No. 25564, children between 15 and 18 years of age who are suspected of being involved in terrorist activities do not benefit from safeguards and guarantees afforded by the system of administration of juvenile justice under normal circumstances.

10. The Committee expresses its concern that stringent budgetary measures amounting to decreases in the resources allocated for social expenditures have entailed high social costs and have adversely affected the rights of the child in Peru. Vulnerable groups of children, including children living in areas affected by the internal violence, displaced children, orphans, disabled children, children living in poverty and children living in institutions are particularly disadvantaged in their access to adequate health and educational

facilities and are the primary victims of various forms of exploitation, such as child prostitution. Furthermore, the long-term considerations embodied in the structural adjustment policies have not adequately taken into account the specific needs of the children and, accordingly, dramatic cuts have been made in many social expenditures, in recent years to the detriment of children. In this respect, the Committee notes with concern that 47 per cent of the National Plan of Action for Children remains to be financed.

11. The Committee is also concerned at the extent of violence within the family; at the high number of abandoned and institutionalized children due to widespread family problems; and about the fact that the Code on Children and Adolescents is not completely in conformity with the relevant provisions of the Convention on the Rights of the Child and relevant Conventions of the International Labour Organisation, especially with regard to minimum ages for admission to employment.

12. The Committee is concerned at the serious situation of children who, in view of increasing poverty and misery as well as of situations of abandonment or violence within the family, are forced to live and work in the streets, even at an early stage of their lives. For these reasons children often become victims of different forms of exploitation and abuse.

13. The Committee notes with concern the absence in the National Plan of Action of strategies and targets to secure the civil rights of children.

Suggestions and recommendations

14. The Committee acknowledges the fact that, since the Code on Children and Adolescents and the National Plan of Action for Children were adopted only recently, there has not been sufficient time to implement them or to evaluate their effectiveness. In those circumstances, the Committee decides to request the Government of Peru to submit information on measures taken in response to concerns expressed and recommendations made in the present "concluding observations". It wishes to receive that information before the end of 1994.

15. The Committee suggests that coordination between the various governmental agencies and non-governmental organizations involved in the implementation of the Convention and the monitoring thereof be strengthened.

16. The Committee recommends that investigations be conducted into cases of extrajudicial executions, disappearances and torture which are carried out in the context of the internal violence prevailing in several parts of the country. Those accused of such abuses should be tried and, when found guilty, punished. Furthermore, special measures should be taken to ensure that children are protected against the occurrence of such human rights violations and that they benefit from recovery and reintegration programmes in an environment which fosters the dignity and the self-confidence of the child.

17. Specific measures should be undertaken to provide undocumented children fleeing zones affected by internal violence with adequate identity documents.

18. The Committee also recommends that the provisions of Decree-Law No. 25564 dealing with the liability of children suspected of being involved in

terrorist activities be repealed or amended in order for children below 18 years of age to enjoy fully the rights set forth in articles 37, 39 and 40 of the Convention.

19. The Committee urges the Government of Peru to take all the necessary steps to minimize the negative impact of the structural adjustment policies on the situation of children. The authorities should, in the light of articles 3 and 4 of the Convention, undertake all appropriate measures to the maximum extent of their available resources to ensure that sufficient resources are allocated to children. In that regard, particular attention should be paid to the protection of children living in areas affected by internal violence, displaced children, disabled children, children living in poverty and children living in institutions. The Committee recognizes, in that regard, that international assistance will also be needed to address more effectively the challenge of improving the situation of these children.

20. The Committee recommends that the Code on Children and Adolescents be amended along the lines suggested by the Minister of Labour of Peru in May 1993, following comments made to that effect by the International Labour Office.

21. The Committee underlines that the provisions of the Convention should be widely publicized among the general public and, in particular, among judges, lawyers, teachers and members of other professions who are concerned with the implementation of the Convention. Particularly important in this regard is the training of law enforcement officials and the staff in correctional facilities. In view of the extent of domestic violence in the country, a specific campaign of education for peace, tolerance and respect for human rights may also be envisaged.